

**Sterne Kessler
Goldstein Fox**
ATTORNEYS AT LAW



Robert Greene Sterne
Edward J. Kessler
Jorge A. Goldstein
David K.S. Cornwell
Robert W. Esmond
Tracy-Gene G. Durkin
Michele A. Cimbalà
Michael B. Ray
Robert E. Sokohl
Eric K. Steffe
Michael Q. Lee
Steven R. Ludwig
John M. Covert
Linda E. Alcorn
Robert C. Millonig
Lawrence B. Bugaisky
Donald J. Featherstone
Michael V. Messinger

Judith U. Kim
Timothy J. Shea, Jr.
Patrick E. Garrett
Jeffrey T. Helvey
Heidi L. Kraus
Crystal D. Sayles
Edward W. Yee
Albert L. Ferro
Donald R. Banowitz
Peter A. Jackman
Molly A. McCall
Teresa U. Medler
Jeffrey S. Weaver
Kendrick P. Patterson
Vincent L. Capuano
Albert J. Fasulo II
W. Russell Swindell

Thomas C. Fiala
Brian J. Del Buono
Virgil Lee Beaton
Reginald D. Lucas
Kimberly N. Reddick
Theodore A. Wood
Elizabeth J. Hazanes
Bruce E. Chalker
Joseph S. Ostroff
Frank R. Cottingham
Christine M. Uhler
Rae Lynn Pengaman
Jane Shershenovich
Lawrence J. Carroll
George S. Bardmesser

Registered Patent Agents*
Karen R. Markowicz
Andrea J. Kamagie
Nancy J. Leith
Joseph M. Conrad III
Ann E. Summerfield
Helene C. Carlson
Gaby L. Longworth
Matthew J. Dowd
Aaron L. Schwartz
Angelique G. Uy
Boris A. Matvenko
Mary B. Tung
Katrina Y. Pei
Bryan L. Skelton
Jason D. Eisenberg
John J. Figueroa

Senior Counsel
Samuel L. Fox
Kenneth C. Bass III
Lisa A. Dunner

*Admitted only in Maryland
*Admitted only in Virginia
*Admitted only in Texas
•Practice Limited to
Federal Agencies

July 17, 2002

WRITER'S DIRECT NUMBER:
(202) 371-2615
INTERNET ADDRESS:
FRANKC@SKGF.COM

Commissioner for Patents
Washington, D.C. 20231

Art Unit 1633

Re: U.S. Utility Patent Application
Appl. No. 10/035,216; Filed: January 4, 2002
For: **Viral Delivery System for Infectious Transfer of Large Genomic DNA
Inserts**

Inventors: Chiocca *et al.*
Our Ref: 0609.5050005/JAG/KRM/FRC

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Second Supplemental Information Disclosure Statement;
2. Listing of the cited documents on Form PTO-1449 (1 sheet);
3. A copy of each of the two (2) cited documents on Form PTO-1449; and
4. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

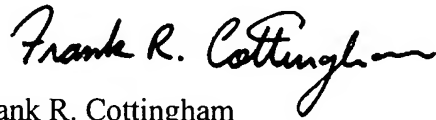
RECEIVED
JUL 18 2002
TECH CENTER 1600/2900

Commissioner for Patents
July 17, 2002
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Frank R. Cottingham
Attorney for Applicants
Registration No. 50,437

FRC/pcd
Enclosures

::ODMA\MHODMA\SKGF_DC1;34854;1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

JUL 18 2002

TECH CENTER 1600/2900

In re application of:

CHIOCCA *et al.*

Appl. No. 10/035,216

Filed: January 4, 2002

For: **Viral Delivery System for
Infectious Transfer of Large
Genomic DNA Inserts**

Confirmation No. 3452

Art Unit: 1633

Examiner: *To be assigned*

Atty. Docket: 0609.5050005/JAG/KRM/FRC



Second Supplemental Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Second Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' First Supplemental Information Disclosure Statement filed on May 31, 2002 in connection with the above-captioned application. A copy of each document is also provided.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

This Second Supplemental Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Frank R. Cottingham

Frank R. Cottingham
Attorney for Applicants
Registration No. 50,437

Date: 7/17/02

1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600

FORM PTO-1449

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.
0609.5050005/JAG/KRM/FRCAPPLICATION NO.
10/035,216APPLICANT
CHIOCCA *et al.*FILING DATE
January 4, 2002GROUP
1633

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ2	5,998,208	12/07/1999	Fraefel <i>et al.</i>	435	455	01/21/1998
	AK						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	35	Suter, M., <i>et al.</i> , "BAC-VAC, a novel generation of (DNA) vaccines: A bacterial artificial chromosome (BAC) containing a replication-competent, packaging-defective virus genome induces protective immunity against herpes simplex virus 1," <i>Proc. Natl. Acad. Sci. USA</i> 96:12697-12702, The National Academy of Sciences (1999)
AS		
AT		

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

::ODMAVHODMAVSKGF_DC1:33410:1

SKGF Rev. 1/95